IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7832 OF 2005

Vinodrao Wamanrao More .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.O.I.Siddique for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th December 2005.

P.C.

. Heard Mr.Mundergi, learned Senior Counsel for applicant and Mr.Pednekar, A.P.P. for respondent. Applicant is apprehending arrest in connection with C.R.No.7 of 2005 registered with G.B.C.B., C.I.D. E.O.W. Unit I, Mumbai alleging offences punishable under section 465, 467, 468, 471, 420 and 120B of Penal Code.

2. It appears from a perusal of papers that main accused who is absconding is the brother of applicant herein. Allegations against the applicant is that he assisted his brother in preparing false documents with a view to enable some 13 persons to obtain bogus loans from the State Bank of Mysore, Khar (West), branch. According to prosecution, these loans were obtained for the purpose of buying flats, immovable properties, although, the building/construction was belonging to one Avani Builders. Applicant's brother who is in construction business floated a company called Dharti Constructions Pvt.Ltd.

3. Applicant has pointed out that he himself was seeking loan. Bank sanctioned a loan of Rs.7,09,548 to applicant for a period of fifteen years. Post dated cheques were also given as security and till date applicant has paid a sum of Rs.7,67,652/-. In the submission of

Mr.Mundergi, this is the amount of loan sanctioned along with interest. As far as brother of applicant is concerned, admittedly, he is absconding. Applicant's connection with Dharti Construction Pvt.Ltd. has not been established. On the other hand, applicant is a permanent citizen and Income Tax payer. He is associated with Maharashtra State Labour Federation as a Director and another labour Coop.Society as a Chairman. He is willing to extend all cooperation. Mr.Mundergi states that the applicant would hand over all such documents as are in his custody, pertaining to the transaction of applicant with the bank. As far as documents pertaining to the transaction which is the subject matter of the C.R., it is pointed out to me that the applicant having assisted and conspired with his brother, he should also extend full cooperation to the investigating machinery so that all documents can be seized.

4. In my view, considering the abovementioned facts and circumstances and further that the case being based on documents, as well as applicant agreeable to extend full cooperation, he deserves to be released on bail in the event of his arrest. Accordingly, following order:-

i) In the event of the arrest of applicant in connection with C.R.No.7 of 2005 registered with G.B.C.B., C.I.D., he shall be released on bail in the sum of Rs.20,000/-.

ii) Applicant shall attend G.B.C.B., C.I.D., E.O.W. Unit No.1 twice a week on every Tuesday and Thursday between 5.00 p.m. and 7.00 p.m.

iii) Applicant shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)